

117TH CONGRESS
1ST SESSION

S. 2745

To impose sanctions and other measures with respect to the Taliban, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 14, 2021

Mr. RUBIO (for himself, Mr. TUBERVILLE, Mr. SULLIVAN, Mr. TILLIS, Mrs. CAPITO, and Ms. LUMMIS) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To impose sanctions and other measures with respect to the Taliban, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Preventing the Rec-
5 ognition of Terrorist States Act of 2021”.

6 **SEC. 2. STATEMENT OF POLICY.**

7 It is the policy of the United States—

8 (1) to continue to recognize the democratically
9 elected government of the Islamic Republic of Af-

1 ghanistan as the legitimate Government of Afghani-
2 stan;

3 (2) to not recognize the Islamic Emirate of Af-
4 ghanistan, which is controlled by the Taliban, as the
5 official Government of Afghanistan under any cir-
6 cumstances;

7 (3) to view the Taliban's takeover of Afghani-
8 stan as a coup d'état and therefore illegitimate;

9 (4) to recognize that individuals designated as
10 terrorists by the United States, such as Sirajuddin
11 Haqqani, will play a key role in the Taliban regime;
12 and

13 (5) to continue to assist the people of Afghani-
14 stan, especially people at risk as a result of their ac-
15 tivities, beliefs, religion, or political views.

16 **SEC. 3. PROHIBITION ON ACTIONS RECOGNIZING THE IS-**
17 **LAMIC EMIRATE OF AFGHANISTAN.**

18 (a) **IN GENERAL.**—In furtherance of the policy set
19 forth in section 2, no Federal department or agency may
20 take any action or extend any assistance that states or
21 implies recognition of the Taliban's claim of sovereignty
22 over Afghanistan.

23 (b) **FUNDING LIMITATION.**—Notwithstanding any
24 other provision of law, no Federal funds appropriated or
25 otherwise made available for the Department of State, the

1 United States Agency for International Development, or
2 the Department of Defense on or after the date of the
3 enactment of this Act may be obligated or expended to
4 prepare or promulgate any policy, guidance, regulation,
5 notice, or Executive order, or to otherwise implement, ad-
6 minister, or enforce any policy, that extends diplomatic
7 recognition to the Islamic Emirate of Afghanistan.

8 **SEC. 4. DESIGNATION OF ISLAMIC EMIRATE OF AFGHANI-**
9 **STAN AS A STATE SPONSOR OF TERRORISM.**

10 (a) **IN GENERAL.**—The Secretary of State shall des-
11 ignate the Islamic Emirate of Afghanistan as a state spon-
12 sor of terrorism.

13 (b) **STATE SPONSOR OF TERRORISM DEFINED.**—In
14 this section, the term “state sponsor of terrorism” means
15 a country the government of which the Secretary of State
16 has determined has repeatedly provided support for acts
17 of international terrorism, for purposes of—

18 (1) section 1754(c)(1)(A)(i) of the Export Con-
19 trol Reform Act of 2018 (50 U.S.C.
20 4813(c)(1)(A)(i));

21 (2) section 620A of the Foreign Assistance Act
22 of 1961 (22 U.S.C. 2371);

23 (3) section 40(d) of the Arms Export Control
24 Act (22 U.S.C. 2780(d)); or

25 (4) any other provision of law.

1 **SEC. 5. DESIGNATION OF THE TALIBAN AS A FOREIGN TER-**
2 **RORIST ORGANIZATION.**

3 The Secretary of State shall designate the Taliban
4 as a foreign terrorist organization pursuant to section 219
5 of the Immigration and Nationality Act (8 U.S.C. 1189).

6 **SEC. 6. DETERMINATIONS WITH RESPECT TO NARCOTICS**
7 **TRAFFICKING AND MONEY LAUNDERING BY**
8 **THE TALIBAN.**

9 Not later than 120 days after the date of the enact-
10 ment of this Act, the Secretary of State shall submit to
11 Congress a report that includes—

12 (1) a determination of whether the Taliban
13 should be designated as—

14 (A) a significant foreign narcotics traf-
15 ficker (as defined in section 808 of the Foreign
16 Narcotics Kingpin Designation Act (21 U.S.C.
17 1907)); or

18 (B) a significant transnational criminal or-
19 ganization under Executive Order 13581 (50
20 U.S.C. 1701 note; relating to blocking property
21 of transnational criminal organizations); and

22 (2) a determination of whether Afghanistan,
23 while under the control of the Taliban, should be
24 designated as a high-risk jurisdiction subject to a
25 call for action (commonly referred to as the “black

1 list”) under the criteria established for such designa-
2 tion by the Financial Action Task Force.

3 **SEC. 7. ASSESSMENT OF WHETHER RARE EARTH METALS**
4 **EXPORTED FROM AFGHANISTAN VIOLATE**
5 **PROHIBITION ON IMPORTATION OF GOODS**
6 **MADE WITH FORCED LABOR.**

7 The Commissioner of U.S. Customs and Border Pro-
8 tection shall—

9 (1) assess whether the importation of rare earth
10 metals extracted in Afghanistan and goods produced
11 from such metals violates the prohibition on impor-
12 tation of goods made with forced labor under section
13 307 of the Tariff Act of 1930 (19 U.S.C. 1307); and

14 (2) consider issuing a withhold release order
15 with respect to such metals and goods to prevent
16 such metals and goods from entering the United
17 States.

18 **SEC. 8. REPORT ON DIPLOMATIC RELATIONS OF THE**
19 **TALIBAN AND SUPPORTERS OF THE TALIBAN.**

20 Not later than 120 days after the date of the enact-
21 ment of this Act, and annually thereafter, the Secretary
22 of State shall submit to Congress a report that—

23 (1) describes the Taliban’s relations with Iran,
24 the Russian Federation, Pakistan, Saudi Arabia, the

1 United Arab Emirates, Tajikistan, Uzbekistan, and
2 the People's Republic of China;

3 (2) identifies each foreign person that know-
4 ingly assists, provides significant support or services
5 to, or is involved in a significant transaction with, a
6 senior member of the Taliban or a supporter of the
7 Taliban; and

8 (3) assesses—

9 (A) the likelihood that the countries re-
10 ferred to in paragraph (1) will seek to invest in
11 Afghanistan's key natural resources; and

12 (B) the impact of such investments on the
13 national security of the United States.

14 **SEC. 9. REPORT ON SAFE HARBOR PROVIDED TO TER-**
15 **RORIST ORGANIZATIONS BY PAKISTAN.**

16 Not later than 120 days after the date of the enact-
17 ment of this Act, and annually thereafter, the Secretary
18 of State shall submit to Congress and make available to
19 the public a report that describes the actions taken by the
20 Government of Pakistan to provide safe harbor to organi-
21 zations—

22 (1) designated by the Secretary of State as for-
23 eign terrorist organizations under section 219 of the
24 Immigration and Nationality Act (8 U.S.C. 1189);
25 and

1 (2) designated as a specially designated global
2 terrorist organizations under Executive Order 13224
3 (50 U.S.C. 1701 note; relating to blocking property
4 and prohibiting transactions with persons who com-
5 mit, threaten to commit, or support terrorism).

6 **SEC. 10. IMPOSITION OF SANCTIONS WITH RESPECT TO**
7 **SUPPORTERS OF THE TALIBAN.**

8 (a) IN GENERAL.—The President shall impose 2 or
9 more of the sanctions described in subsection (b) with re-
10 spect to each foreign person identified under paragraph
11 (2) of section 8 in the most recent report submitted under
12 that section.

13 (b) SANCTIONS DESCRIBED.—The sanctions that
14 may be imposed with respect to a foreign person under
15 subsection (a) are the following:

16 (1) EXPORT-IMPORT BANK ASSISTANCE FOR
17 EXPORTS TO SANCTIONED PERSONS.—The President
18 may direct the Export-Import Bank of the United
19 States not to give approval to the issuance of any
20 guarantee, insurance, extension of credit, or partici-
21 pation in the extension of credit in connection with
22 the export of any goods or services to the foreign
23 person.

24 (2) EXPORT SANCTION.—The President may
25 order the United States Government not to issue

1 any specific license and not to grant any other spe-
2 cific permission or authority to export any goods or
3 technology to the foreign person under—

4 (A) the Export Control Reform Act of
5 2018 (50 U.S.C. 4801 et seq.);

6 (B) the Arms Export Control Act (22
7 U.S.C. 2751 et seq.);

8 (C) the Atomic Energy Act of 1954 (42
9 U.S.C. 2011 et seq.); or

10 (D) any other statute that requires the
11 prior review and approval of the United States
12 Government as a condition for the export or re-
13 export of goods or services.

14 (3) LOANS FROM UNITED STATES FINANCIAL
15 INSTITUTIONS.—The President may prohibit any
16 United States financial institution from making
17 loans or providing credits to the foreign person total-
18 ing more than \$10,000,000 in any 12-month period.

19 (4) BLOCKING OF PROPERTY OF IDENTIFIED
20 PERSONS.—The President may exercise all powers
21 granted to the President by the International Emer-
22 gency Economic Powers Act (50 U.S.C. 1701 et
23 seq.) to the extent necessary to block and prohibit
24 all transactions in all property and interests in prop-
25 erty of the foreign person if such property and inter-

1 ests in property are in the United States, come with-
2 in the United States, or are or come within the pos-
3 session or control of a United States person.

4 (c) IMPLEMENTATION; PENALTIES.—

5 (1) IMPLEMENTATION.—The President may ex-
6 ercise the authorities provided to the President
7 under sections 203 and 205 of the International
8 Emergency Economic Powers Act (50 U.S.C. 1702
9 and 1704) to the extent necessary to carry out this
10 section.

11 (2) PENALTIES.—A person that violates, at-
12 tempts to violate, conspires to violate, or causes a
13 violation of this section or any regulation, license, or
14 order issued to carry out this section shall be subject
15 to the penalties set forth in subsections (b) and (c)
16 of section 206 of the International Emergency Eco-
17 nomic Powers Act (50 U.S.C. 1705) to the same ex-
18 tent as a person that commits an unlawful act de-
19 scribed in subsection (a) of that section.

20 (d) EXCEPTIONS.—

21 (1) EXCEPTION FOR INTELLIGENCE ACTIVI-
22 TIES.—Sanctions under this section shall not apply
23 to any activity subject to the reporting requirements
24 under title V of the National Security Act of 1947

1 (50 U.S.C. 3091 et seq.) or any authorized intel-
2 ligence activities of the United States.

3 (2) EXCEPTION RELATING TO IMPORTATION OF
4 GOODS.—

5 (A) IN GENERAL.—The authorities and re-
6 quirements to impose sanctions authorized
7 under this section shall not include the author-
8 ity or a requirement to impose sanctions on the
9 importation of goods.

10 (B) GOOD DEFINED.—In this paragraph,
11 the term “good” means any article, natural or
12 manmade substance, material, supply, or manu-
13 factured product, including inspection and test
14 equipment, and excluding technical data.

15 (e) DEFINITIONS.—In this section:

16 (1) FOREIGN PERSON.—The term “foreign per-
17 son” means a person that is not a United States
18 person.

19 (2) UNITED STATES PERSON.—The term
20 “United States person” means—

21 (A) an individual who is a United States
22 citizen or an alien lawfully admitted for perma-
23 nent residence to the United States;

24 (B) an entity organized under the laws of
25 the United States or any jurisdiction within the

1 United States, including a foreign branch of
2 such an entity; or

3 (C) any person in the United States.

4 **SEC. 11. REPEAL OF EXCEPTION TO SANCTIONS WITH RE-**
5 **SPECT TO ENERGY, SHIPPING, AND SHIP-**
6 **BUILDING SECTORS OF IRAN RELATING TO**
7 **AFGHANISTAN RECONSTRUCTION.**

8 Subsection (f) of section 1244 of the Iran Freedom
9 and Counter-Proliferation Act of 2012 (22 U.S.C. 8803)
10 is repealed.

11 **SEC. 12. LIMITATION ON HUMANITARIAN ASSISTANCE**
12 **THAT COULD BENEFIT FOREIGN TERRORIST**
13 **ORGANIZATIONS.**

14 (a) IN GENERAL.—Before obligating funds described
15 in subsection (b) for assistance in or for Afghanistan and
16 Pakistan or any other country in which organizations des-
17 ignated by the Secretary of State as foreign terrorist orga-
18 nizations under section 219 of the Immigration and Na-
19 tionality Act (8 U.S.C. 1189) hold territory or wield sub-
20 stantial economic or political power, the Administrator of
21 the United States Agency for International Development
22 shall take all appropriate steps to ensure that such assist-
23 ance is not provided to or through—

24 (1) any individual, private or government enti-
25 ty, or educational institution that the Secretary

1 knows, or has reason to believe, advocates, plans,
2 sponsors, engages in, or has engaged in, terrorist ac-
3 tivity; or

4 (2) any private entity or educational institution
5 that has, as a principal officer or member of the
6 governing board or governing board of trustees of
7 the entity or institution, any individual who has been
8 determined to be—

9 (A) involved in or advocating terrorist ac-
10 tivity; or

11 (B) a member of a foreign terrorist organi-
12 zation.

13 (b) FUNDS DESCRIBED.—Funds described in this
14 subsection are funds appropriated under the heading
15 “Economic Support Fund”, “Development Assistance”,
16 “Global Health”, “Transition Initiatives”, or “Inter-
17 national Humanitarian Assistance” in an Act making ap-
18 propriations for the Department of State, foreign oper-
19 ations, and related programs or making supplemental ap-
20 propriations.

21 (c) IMPLEMENTATION.—

22 (1) IN GENERAL.—The Administrator of the
23 United States Agency for International Development
24 shall, as appropriate—

1 (A) establish procedures to specify the
2 steps to be taken in carrying out subsection (a);
3 and

4 (B) terminate assistance—

5 (i) to any individual, entity, or edu-
6 cational institution that the Secretary has
7 determined to be involved in or advocating
8 terrorist activity; or

9 (ii) that could benefit such an indi-
10 vidual, entity, or educational institution.

11 (2) INCLUSION OF CERTAIN ENTITIES.—In es-
12 tablishing procedures under paragraph (1)(A) with
13 respect to steps to be taken to ensure that assistance
14 is not provided to individuals, entities, or institutions
15 described in subsection (a), the Administrator shall
16 ensure that the recipients and subrecipients of as-
17 sistance from the United States Agency for Inter-
18 national Development and their contractors and sub-
19 contractors are included.

20 **SEC. 13. RESTRICTION ON FOREIGN ASSISTANCE TO COUN-**
21 **TRIES IN WHICH COUPS D'ÉTAT HAVE OC-**
22 **CURRED.**

23 (a) IN GENERAL.—None of the funds appropriated
24 or otherwise made available pursuant to an Act making
25 appropriations for the Department of State, foreign oper-

1 ations, and related programs or making supplemental ap-
2 propriations may be obligated or expended to finance di-
3 rectly any assistance to the government of any country
4 whose duly elected head of government is deposed by mili-
5 tary coup d'état or decree or, after the date of the enact-
6 ment of this Act, a coup d'état or decree in which the
7 military plays a decisive role.

8 (b) RESUMPTION OF ASSISTANCE.—Assistance de-
9 scribed in subsection (a) may be resumed to a government
10 described in that subsection if the Secretary of State cer-
11 tifies and reports to Congress that, subsequent to the ter-
12 mination of such assistance, a democratically elected gov-
13 ernment has taken office.

14 (c) EXCEPTION.—The prohibition under subsection
15 (a) shall not apply to assistance to promote democratic
16 elections or public participation in democratic processes.

17 (d) NOTIFICATION PROCEDURES.—Funds made
18 available pursuant to subsection (b) or (c) shall be subject
19 to the regular notification procedures of the Committees
20 on Appropriations of the Senate and the House of Rep-
21 resentatives.

○